

From: Scott Shuford
Sent: Monday, April 30, 2007 11:53 AM
To: 'Newmanasheville@aol.com'
Cc: Gary Jackson; Bob Oast; Robert Griffin; Chad Pierce; Shannon Tuch; Jeff Richardson
Subject: RE: steep slope ordinance

Brownie – Thanks for the range of ideas. I've tried to give you feedback under each category below. At this time, I'm inclined to think that the best compromise option is to keep the staff proposal in terms of areas regulated but make only the listed sections of the steep slope ordinance (e.g., density limits, grading limits, height, road design, geotech, etc.) apply in the following circumstances.

Below 2220' but 25% or > slope – apply only the geotech requirements (density, grading, height, etc. governed solely by underlying zoning and general development regs)

2220' and above but 15-24.9% slope – allow for increased density and grading

2220' and above plus 25% or > slope – apply everything

I hope this is helpful.

PS – Bob, Robert and Chad – see items that concern you in red below – thanks for your input!

From: Newmanasheville@aol.com [mailto:Newmanasheville@aol.com]
Sent: Friday, April 27, 2007 6:53 AM
To: Scott Shuford
Subject: steep slope ordinance

Scott,

Here are my comments and questions about the proposed steep slope/ ridge ordinance. Rather than writing down my comments as questions, I wrote up a memo that attempts to summarize my understanding of the two proposals now in front of us and the trade-offs of different public policy options we could consider. I wrote this up to get a little more clarity in my own mind about what some of our options might be. I am also sharing it with some of the advocates on both sides of the issue to get feedback.

By my listing these "policy options" below, please do not assume that I endorse any of them at this point. The staff recommendation and the P&Z recommendation are pretty far apart from one another, so I am just trying to understand what all the options are.

Thanks in advance for additional information and ideas about how to create a effective ordinance.

Brownie

Staff proposal

- ? regulate density and grading on slopes over 15% on slopes above 2220 within residential areas
- ? regulate density and grading on slopes over 25% on slopes below 2220 within residential areas
- ? require geo-technical analysis for developments on slopes of more than 40% in areas defined as steep slopes in the ordinance

P&Z proposal

- ? regulate density and grading on slopes of 25% or more on slopes above 2500 feet. Geo-tech analysis required for slopes of more than 40% above 2500 feet.

Concerns:

- ? Staff proposal impacts about 20% of all property within Asheville. It could reduce opportunities for quality in-fill development in areas close to jobs and where infrastructure exists.
- ? Restrictions on grading and density could allow McMansions to still be built on steep slopes but will not allow affordable housing to be built.
- ? The P&Z proposal actually weakens existing slope development standards in many areas.
- ? The 2220 elevation standard appears to be fairly arbitrary. Almost all of South Asheville is above this elevation.

Policy options:

- ? Do not apply additional limits on density on steep slope. Instead focus on limiting the amount of grading. A development that has one 5,000 square foot single family home or one building of 5000 square feet that has within it five 1000 square foot condos could have identical environmental impacts. However, under the ordinance, the McMansion would be allowed but the condos or apartments would be prohibited. Do we want to create an ordinance that allows development on slopes—but only for the wealthy? [The underlying zoning determines the density and if multiple family development is allowed. The bonus allowances in the incentives section do allow multifamily development up to 8 units/bldg if certain standards are met.](#)
- ? Only define areas of more than 25% as steep slopes. A large percentage of land in Asheville is in the 15%- 25% category. Handled responsibly, can developments can be built on these moderate slopes without creating major environmental problems? [This would reduce the area to which the slope regulations apply by about 25%. The existing hillside regulations cover this area and seem to have served the City pretty well. Any development on any slope can be made to avoid major environmental problems.](#)
- ? Only apply height limits to areas above 2500 feet or which are defined as ridges. Applying the height limits to low elevation areas seems questionable. [This would reduce area covered by steep slope regulations \(and existing hillside regs\) by 75%.](#)
- ? Does the ordinance address set-back requirements? It seems reasonable to require somewhat stronger set-back requirements on steep slope developments. As per the

- Lynn Coxé situation. The ordinance does in certain areas. However, to minimize clearing and grading, closer to street setbacks should be allowed (as we currently do).
- ? Make Light Reflectivity Value and other measures to make development “blend in” a requirement rather than an incentive. **Bob** is researching this.
 - ? Provide additional density bonuses and greater flexibility for grading standards for developments that meet Council’s strategic objectives (affordable housing and green building practices). The bonuses could be applied either just within areas defined as steep slopes or on a city-wide basis (in a separate ordinance). See the bonus section. We are working on some concepts to allow greater development intensity if key goals are met (see the “Next Steps” concepts that have been discussed with the PED Committee).

Next Steps

The Committee has also asked what will be the method used to implement similar incentives for smaller scale projects. As staff moves through a revision of the UDO, we can establish density standards and new intensity standards using the concept of floor area ratio (FAR). By establishing a base density or FAR and providing incentives for increasing that density or FAR through compliance with various City goals, smaller projects can be included in this process. Examples are provided below. The timetable for this would correspond with changes to the zoning districts (consolidation, additional standards, reconsideration of permitted uses, etc.). Staff will review its draft proposals with the Committee once they are more fully developed later in 2007.

Urban Development Incentives (Mixed Use Districts)

Density Incentives

Density standards. Maximum residential density shall be 32 units per acre but may be increased up to a maximum of 48 units per acre if at least 25% of the total number of dwelling units meet City of Asheville affordability standards or at least 10% of the total number of dwelling units meet City of Asheville affordability standards and at least 25% of the total number of dwelling units contain 700 square feet or less of gross floor area.

Other Incentives

Community Incentive Table. In order to promote community goals of green building, mixed use development, and historic preservation, the following gross floor area and height incentives may be applied provided the requisite goals are met. For the purpose of applying this table, each incentive is available for each goal achieved (e.g., a building that has a green roof can take advantage of both the gross floor area incentive and the height incentive).

Community Incentive Table			
Incentives	Green Building	Mixed Use	Existing Historic Structures
Total gross floor area up to 48,000 square feet	Green Roof	Ground floor is 100% nonresidential and a minimum of 50% of the	Compatible adaptive reuse and/or additions to historic structures provided the architectural

		gross floor area of the upper floors are residential	character of the principal structure, including fenestration (i.e., door and window openings), is maintained with regard to any facade that faces a street or is prominently visible from adjoining properties
Maximum four story height (max. height of 55 feet; min. 70% of total gross floor area above ground floor)	Green Roof	Ground floor is 100% nonresidential and a minimum of 50% of the gross floor area of the upper floors are residential	Compatible adaptive reuse and/or additions to historic structures provided the architectural character of the principal structure, including fenestration (i.e., door and window openings), is maintained with regard to any facade that faces a street or is prominently visible from adjoining properties

Suburban Development Incentives

Density Incentives

Residential density “bonuses” can be allowed to promote affordable housing. An example is provided below; the density allowance will vary based on the zoning district (e.g., the Commerce District would likely have a 24 unit per acre “base” density while the Office District would likely have a 16 unit per acre “base” density).

Density standards. Maximum residential density shall be __ units per acre but may be increased up to a maximum of __ units per acre if at least 25% of the total number of dwelling units meet City of Asheville affordability standards or at least 10% of the total number of dwelling units meet City of Asheville affordability standards and at least 25% of the total number of dwelling units contain 700 square feet or less of gross floor area.

Intensity Incentives

Floor Area Ratio (FAR) bonuses can be used to encourage developments that the City would like to see for nonresidential suburban development. An example is provided below (numbers used are for example only; more work is needed to get a precise recommendation).

Site Design	FAR	Building size (1 acre lot)
One-story building(s)	0.2	8,712
Multistory building(s)*	0.35	15,246
150% landscaping	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Green roof	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Mixed use (50% or more residential)	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Structured parking (50% or more spaces)	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780

Maximum Allowable FAR = 0.5

*40% or more of total building GFA provided on second floor for a 2-story building and 60% or more of total building GFA provided on floors 2 and above for buildings 3-stories and taller

- ? Make geo-technical analysis a requirement for all developments on slopes over 40% regardless of whether they are in an area defined as a steep slope or not. Public safety should not be compromised regardless of the underlying zoning. [This is a great idea.](#)
- ? Rather than measuring the slope of the entire property, allow the standard to be applied only to the area within the property which is going to be developed. The current ordinance severely restricts development on properties which have some relatively flat land or areas that are already graded just because other parts of the property have steep slopes. Why require steep slopes on other parts of the property to be included in the calculations if the property owner has no intention of developing on those parts of the property? [The bonus section is intended to cover these situations.](#)
- ? Apply additional requirements to proper management of fill dirt, as per Phil Gibson's suggestions. Require fill-dirt to be "cleaned" (what does this mean?), have woody debris removed, and tested for acidity. Check Ray Rapp's legislation to pull some of the language regarding management of fill-dirt. [I think our building and grading standards already address the quality of fill dirt; I will double-check. \(Robert and Chad – any comments?\)](#)
- ? Is it possible to use the mapping to identify the specific areas that are most susceptible to land-slides or erosion problems and to apply more stringent development standards to these areas? In other words, make the ordinance more targeted towards the areas where steep slope development could really cause the most problems, rather than applying it across the board to all areas above a certain slope or elevation? [The NCGS program is doing this; however, this only addresses the public safety issue, not aesthetics and environmental.](#)
- ? Apply the standards of the ordinance to only areas above 2400 feet in elevation, but keep the existing hillside standards in place for areas between 2220 and 2400. In this way, there is no weakening of existing standards, only strengthening of standards on the highest slopes and ridges. [See suggested approach above.](#)
- ? Apply the standard to all single family areas but provide more flexibility for areas zoned RM8 and RM16. I believe analysis would show that most areas of higher elevation are zoned RS2 or RS4. Most areas zoned RM8 and RM 16 are places where we want in-fill development. [A different approach is to use conditional zoning to address this issue on a case-by-case basis. There are some RM areas that have the potential to be extremely visible.](#)
- ? Create more flexible standards for grading on slopes than the proposed ordinance, but significantly increase the financial penalties for developers who violate our erosion control standards. In this way, we hold the "bad actors" more accountable and create a powerful incentive for developments to do a good job on site preparation, but don't punish the responsible developers or create unreasonable prohibitions on in-fill development. [Every good developer is one fluke rainstorm away from being a "bad actor."](#)

- ? Apply the standards to only areas above 2220, not below. [See suggested approach above.](#)

Additional questions about the ordinance:

? The ordinance restricts grading to 45% of the property on slopes over 15% and gets more restrictive on steeper slopes. Yet, it provides density bonuses for all projects that preserve at least 30% of the site. It appears that we are providing density bonuses for preserving open space, even though the ordinance requires preservation of open space at these levels or more. Could we clarify that? [I will research this issue and have more later on,](#)

? Are there maximum limits on the size of retaining walls? [Not in the ordinance. There are extremely powerful financial incentives for developers to minimize retaining wall height and length. In fact, we spent a great deal of time in drawing up the steep slopes ordinance on trying to balance road corridor width with retaining wall cost. Grading solutions are a whole lot cheaper than building retaining walls. The proposed landscaping requirements will make these walls even more expensive. P&Z was asked this question directly and decided to let the designers decide, rather than set some necessarily arbitrary limits.](#)